



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,454	05/04/2001	David J. Thomsen	33362.8002US	8656

25096 7590 12/02/2002

PERKINS COIE LLP.  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

EXAMINER

SOTOMAYOR, JOHN

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/849,454

Applicant(s)

THOMSEN, DAVID J.

Examiner

John L. Sotomayor

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,7-15,16,18-19,22 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Helmick et al (US 6,470,171 B1).

3. Regarding claim 1, Helmick et al discloses a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course (Col 1, lines 35-44 and Fig. 3M), providing one or more executable application to the client computer relevant to the selected course (Col 1, lines 48-53), providing a virtual picture frame including one or more links to executable applications and text which requires a user to access one or more of the applications (Fig. 3A), receiving a request at the client computer to access an application through the virtual picture frame (Fig. 3G) and executing the requested application (Fig. 3M).

4. Regarding claims 7-14, Helmick et al discloses a virtual picture frame as shown in figures 3A-X, in which links and active portions of the frame may be provided in a number of ways such as through the use of icons or alternatively by displayed text, links, graphics, multimedia, or any type of displayed information (Col 8, lines 27-30) including links to

Art Unit: 3714

executable functions (Col 10, lines 33-44). The manner of disposition of the links and active portions of the screens is a matter of design choice on the part of the frame designer, and the executables attached to the active links on the screen are a matter of choice based upon the requirements for a given educational experience.

5. Regarding claim 15, Helmick et al discloses a remote learning method comprising receiving a user selection for a remote educational course, providing course material, including text, for the selected course (Col 1, lines 35-44 and Fig. 3M), providing one or more executable application to the client computer relevant to the selected course (Col 1, lines 48-53), a data storage device with a database from which relevant material is retrieved (Col 5, lines 36-50) providing a virtual picture frame including one or more links to executable applications and text which requires a user to access one or more of the applications (Fig. 3A), receiving a request at the client computer to access an application through the virtual picture frame (Fig. 3G) and provides customizable problems when executing the requested application (Fig. 3M).

6. Regarding claim 16, Helmick et al discloses a computer-readable medium storing instructions comprising receiving a user selection for an educational course (Col 6, lines 29-34), providing course material including text, access to one or more executable applications, and access to a virtual picture frame that surrounds the course material and links to applications (Col 8, lines 21-37 and Fig. 3A).

7. Regarding claim 18, Helmick et al discloses a computer-readable medium storing instructions for providing links for one or more resource URLs (Col 8, lines 27-28 and Fig. 3A).

8. Regarding claim 19, Helmick et al discloses a method comprising receiving over the computer network a client selection for an educational course (Col 1, lines 35-44), providing a

Art Unit: 3714

virtual picture frame having one or more buttons, providing course material including text (Col 8, lines 22-37) and providing at the server a plurality of executable applications associated with button selections for the selected course (Col 1, lines 48-54 and Fig. 3A-M).

9. Regarding claims 22 and 25, Helmick et al discloses a method (claim 22) and a computer-readable medium with a data structure for displaying educational course information (claim 25) comprising providing a client selection for a remote educational course (Col 1, lines 35-44), receiving course material including text, receiving a multiple-section virtual picture frame, receiving one or more executable applications (Col 8, lines 22-37 and Figs. 3A-N) and presenting a virtual picture frame with buttons or links requiring a user to access applications via presented links (Fig. 3A), receiving a request from a user through a link to access and execute a requested executable application (Col 10, lines 33-44).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 3714

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 2-3, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmick et al.

13. Regarding claim 2, Helmick et al discloses a method and system that receives a client selection from a plurality of remote educational courses (Col 1, lines 34-44). Helmick et al does not specifically disclose that one of those courses covers the educational content of compensation and benefits. However, it is a matter of design choice on the part of the administrator of the system disclosed by Helmick et al as to the number and type of choices for educational content available in the course catalogue links made available to clients of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a means for a client to select, as one of a plurality of courses, an educational course whose content covered the areas of compensation and benefits.

14. Regarding claims 3 and 24, Helmick et al discloses a system in which course material may comprise text, audio, video, graphics or multimedia information (Col 11, lines 4-14). Helmick et al does not specifically disclose that this information contains graphs, spreadsheets, examples and simulations. However, the basic building blocks for the said graphs, spreadsheets, examples and simulations consist of text, audio, video, graphics or multimedia files allowing the system disclosed by Helmick et al to produce, as required by the course selected, graphs, spreadsheets, examples and simulations so as to further the educational experience of the client. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide graphs, spreadsheets, examples and simulations from the communication types

Art Unit: 3714

available to the system disclosed by Helmick et al as required so as to further the educational experience of the client.

15. Regarding claim 21, Helmick et al discloses a system in which a requested function or feature by the user or instructor is executed by the system and displayed in the active frame (Col 10, lines 33-44). Helmick et al does not specifically disclose that the list of executable functions includes an active analysis application or a workshop application. However, the executables attached to the active links in the virtual frame are a matter of choice based upon the requirements for a given educational experience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system in which executable links would include links to a plurality of executable functions including an active analysis application or a workshop application.

16. Claims 4-6, 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmick et al in view of Fields et al (US 6,347,943 B1).

17. Regarding claims 4,17,20, and 23, Helmick et al discloses a method and system in which a virtual picture frame, including links to a plurality of executable applications, for an educational tutorial system is downloaded to a client computer (Fig. 3A-X and Col 10, lines 33-44). Helmick et al does not specifically disclose that the frame is downloaded by an applet. However, Fields et al teaches an educational system in which the virtual embodiment of a tutorial may be downloaded to a client system through the Internet via an applet (Col 4, lines 8-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a common and well-known means for downloading a virtual picture frame for an educational system such as an applet. Combining the system disclosed by Helmick et al

Art Unit: 3714

with the teaching of Fields et al produces a more readily available tutorial system for users with Internet access.

18. Regarding claim 5, Helmick et al discloses that providing links on the virtual picture frame may include one or more URLs for accessing information on the World Wide Web (Col 26, lines 23-26).

19. Regarding claim 6, Helmick et al discloses a system in which a requested function or feature by the user or instructor is executed by the system and displayed in the active frame (Col 10, lines 33-44). Helmick et al does not specifically disclose that the list of executable functions includes an active analysis application or a workshop application. However, the executables attached to the active links in the virtual frame are a matter of choice based upon the requirements for a given educational experience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system in which executable links would include links to a plurality of executable functions including an active analysis application or a workshop application.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Siefert (US 6,386,883) for a discussion of an education system utilizing network access and an independent intelligent agent for client assistance.

Linton (US 6,282,404) for a discussion of an Internet active education system with robust reporting capabilities.



Art Unit: 3714

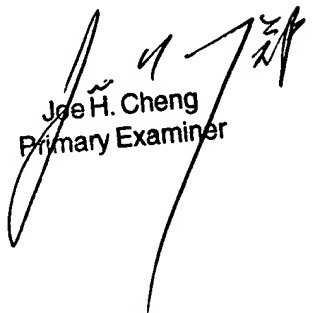
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558.

The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4558.

jls  
November 22, 2002

  
Joe H. Cheng  
Primary Examiner